

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KINGVISION PAY-PER-VIEW LTD.,

Plaintiff,

-against-

PABLO RODRIGUEZ, et al.,

Defendants.  
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06 Civ. 4314 (RJH)

**ORDER**

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/7/07
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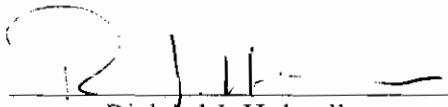
Having received and reviewed the Report and Recommendation ("Report") of Magistrate Judge Frank Mass [21], and having received no objections to said report, this Court hereby accepts and adopts Magistrate Judge Mass's proposed findings of fact in full, and accepts and adopts his proposed rulings of law with the exception of those relating to the calculation of damages.

The Court calculates damages using the following formula initially adopted by Judge Harold Baer: \$50 per patron (under § 605(a)), plus \$1,000 per violation (under § 605(e)(3)(C)(i)(II)), plus attorney's fees and costs. *See Kingvision v. Las Copas Bar Restaurant Pizzeria, Inc.*, 05 Civ. 10203 (LBS)(DFE), 2006 U.S. Dist. LEXIS 65687, at \*6 (S.D.N.Y. Aug. 11, 2006). In this instance, investigation uncovered forty customers watching the pirated program on a single occasion. (Report 4.) Therefore, plaintiff is entitled to \$3,000 in statutory damages. The Court adopts Magistrate Judge Mass's award of \$1,036.50 in attorney's fees and \$500 in costs. (Report 8-9.)

For the foregoing reasons, plaintiff is awarded judgment in the amount of \$4,536.50. This Order renders moot the Motion for Extension of Time [17]. The Clerk of the Court is hereby directed to close the case.

SO ORDERED.

Dated: New York, New York  
August 2, 2007

  
Richard J. Holwell  
United States District Judge